IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE J.M.JAMES

THURSDAY, THE 6TH JULY 2006 / 15TH ASHADHA,1928

Bail Appl..No. 4056 of 2006

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LP.69/2001 of J.M.F.C.,SULTHANBATHERY
(CRIME NO.162/1997 OF AMBALAVAYAL POLICE STATION)

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PETITIONER/2ND ACCUSED.

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ALI, S/O.MARAKKARKUTTI, TIRUR,
MALAPPURAM.

BY ADV. SRI.K.P.MUJEEB

RESPONDENTS:

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STATE OF KERALA, REPRESENTED BY THE
PUBLIC PROSECUTOR, HIGH COURT OF KERALA,
ERNAKULAM, CRIME NO. 162/97 OF AMBALAVAYAL POLICE
STATION.

BY PUBLIC PROSECUTOR P.N. SUKUMARAN

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 06/07/2006, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

**J.M.JAMES, J.**

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**B.A. 4056/2006**

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**DATED THIS THE 6TH DAY OF JULY, 2006**

**O R D E R**

The petitioner is the second accused, in crime No.162/1997 of Ambalavayal Police Station. The offence alleged against the accused are under Section 420 IPC read with Section 34 IPC. The petitioner was absconding. Therefore, the case against him was split up and the same remains as L.P.No.69/2001 on the file of the Judicial Magistrate of First Class-I, Sulthan Bathery.

2. The learned Public Prosecutor submits, when the application came up for consideration, that the case against the first accused was tried and disposed of. The counsel for the petitioner, second accused, submitted that he was in Thuthukkudy, working in a company, manufacturing and dealing with banyans.

3. In the facts and circumstances of this case, I direct the petitioner to surrender before the Judicial Magistrate of First Class-I, Sulthan Bathery, and move an

application for bail, according to the law, after serving copy of the same to the prosecution. The learned Magistrate shall dispose of the same, on the same day itself, on merit.

The application is disposed of as above.

**J.M.JAMES**
**JUDGE**

mrcs